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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 1 November 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Switzerland to the United Nations addressed to the Chair of the Committee

We are pleased to submit to you Switzerland's report pursuant to Security Council resolution 2094 (2013) (see annex).

(*Signed*) Thomas **Gürber**
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Annex to the letter dated 1 November 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Switzerland to the United Nations addressed to the Chair of the Committee

Report by Switzerland pursuant to Security Council resolution 2094 (2013)

Pursuant to paragraph 25 of resolution 2094 (2013) of 7 March 2013, Switzerland has the honour to bring the following information to the attention of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea, with regard to the implementation of the measures provided for in paragraphs 8 to 11, 15 to 17, 20, 23 and 30 of resolution 2094 (2013).

On 3 July 2013, the Swiss Federal Council (the Government) amended the ordinance instituting measures against the Democratic People's Republic of Korea (hereinafter "the ordinance")[a] with a view to implementing the United Nations sanctions established in resolution 2094 (2013). The legal basis of the ordinance is the Federal Act of 22 March 2002 concerning the implementation of international sanctions (Embargoes Act).

Paragraph 8

Switzerland is enforcing the sanctions provided for in paragraph 8 (d) of resolution 1718 (2006) by means of the ordinance (article 3). On 25 March 2013, the Federal Department of Economic Affairs, Education and Research listed under annex 3 of the ordinance the names of the three individuals and two entities listed in annexes I and II of resolution 2094 (2013). There are now 12 individuals and 19 entities that are subject to article 3 of the ordinance.

Paragraph 8 of resolution 2094 (2013) is implemented by an addendum to article 3 of the ordinance. The freezing of assets and economic resources and the ban on providing assets or economic resources, directly or indirectly, now also applies to individuals, companies and entities acting on behalf or at the direction of the individuals, companies and entities already listed in annex 3. Companies and entities owned or controlled by individuals, companies and entities listed in annex 3 or individuals, companies and entities acting on behalf or at the direction of individuals, companies and entities listed in annex 3 are also subject to these measures.

Paragraph 9

Switzerland is enforcing the sanctions provided for in paragraph 8 (e) of resolution 1718 (2006) by means of the ordinance (article 5). On 25 March 2013, the Federal Department of Economic Affairs, Education and Research listed under annex 3 of the ordinance the names of the three individuals listed in annex I of resolution 2094 (2013). There are now 12 individuals that are subject to article 5 of the ordinance.

[a] The text of the ordinance is on file with the Secretariat and is available for consultation.

Paragraph 9 of resolution 2094 (2013) is implemented by an addendum to article 5 of the ordinance. The ban on entering or transiting through Switzerland now also applies to individuals acting on behalf or at the direction of individuals already listed in annex 3.

Paragraph 10

Paragraph 10 of resolution 2094 (2013) is implemented by an addendum to article 5 of the ordinance. Individuals acting on behalf or at the direction of individuals, companies or entities already listed in annex 3, as well as individuals who violate the ordinance or the relevant Security Council resolutions or who provide assistance to others in order to evade these sanctions, are now prohibited from entering and transiting through Switzerland.

The ability to expel nationals of the Democratic People's Republic of Korea from Swiss territory is not covered by the ordinance, as Switzerland already has several legal instruments that provide for that possibility.

Paragraph 11

The new article 3, paragraph 2, of the ordinance provides for the freezing of assets and economic resources that are connected with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by the ordinance.

The new article 3 (a) prohibits the activities of financial services and the provision of assets and economic resources, including cash, that are connected with the nuclear or ballistic missile programmes or other activities prohibited by the ordinance.

Paragraph 15

Switzerland does not provide the Democratic People's Republic of Korea with public financial support for international trade. The new article 5 (a) of the ordinance prohibits Swiss Export Risk Insurance (SERV) from undertaking to cover operations that could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by the ordinance or that could facilitate evasion of measures imposed by the ordinance.

Paragraph 16

The ability to inspect all cargo in accordance with paragraph 16 of resolution 2094 (2013) is not covered by the ordinance, as Switzerland already has other legal instruments that provide for that possibility.

Paragraph 17

Paragraph 17 of resolution 2094 (2013) does not apply to Switzerland as it is a landlocked country.

Paragraph 20

Switzerland is enforcing the sanctions provided for in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) by means of the ordinance. The items listed in

annex III of resolution 2094 (2013) are listed in annex 1 (numbers 8 to 15) of the ordinance.

Paragraph 23

Switzerland is enforcing the sanctions provided for in paragraph 8 (a) (iii) of resolution 1718 (2006) by means of article 2 and annex 2 of the ordinance. Switzerland has duly noted the clarification of the term "luxury goods" given in paragraph 23 of resolution 2094 (2013) and has taken this opportunity to increase the number of items listed under annex 2 (numbers 18 to 23) of the ordinance.

Paragraph 30

The new article 5 (b) of the ordinance prohibits the honouring of claims of the Government of the Democratic People's Republic of Korea; of individuals, companies and entities in the Democratic People's Republic of Korea; of individuals, companies and entities listed in annex 3 of the ordinance; or of individuals, companies and entities acting on behalf or at the direction of the aforementioned individuals or entities, in connection with any contract or other transaction where its performance was prevented or affected by the measures imposed by the ordinance.